

Reply to Office Action dated November 27, 2007

**REMARKS**

Claims 1-6, 8-11, 13-30 and 40-42 are pending in this application. By this Amendment, claims 1, 10, 13 and 27 are amended, claims 12 and 31-39 are canceled without prejudice or disclaimer and new independent claim 42 is added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Applicants gratefully acknowledge the courtesies extended by Examiner Raman and Examiner Christopher Kelley during the personal interview on March 14. The substance of the interview is incorporated in the following remarks.

The Office Action rejects claims 1, 3-6, 8-14, 18-21, 31-36 and 39-41 under 35 U.S.C. §103(a) over JP 11-134018 to Hiroshi in view of U.S. Patent 6,542,897 to Lee and newly-cited U.S. Patent Publication 2004/0024657 to Wright et al. (hereafter Wright). The Office Action also rejects claims 2, 15-16, 22-23, 25-26 and 37-38 under 35 U.S.C. §103(a) over Hiroshi in view of Lee, Wright and U.S. Patent 6,757,837 to Platt. Further, the Office Action rejects claims 27-30 under 35 U.S.C. §103(a) over Hiroshi in view of Wright and Platt. The Office Action also rejects claim 17 under 35 U.S.C. §103(a) over Hiroshi in view of Lee, Wright, Platt and JP 0600854 to Kaneko. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites a storing unit for storing proper information of the TV, and contact information of a certain site, the proper information including a model name or a model number of the TV. Independent claim 1 also recites a controlling unit for contacting the certain site and for transmitting the proper information from the TV to the certain site in response to a checkup key signal inputted by a user, and the controlling unit for controlling displaying of

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information corresponding to function information and an error checkup menu of the TV received from the Internet based on the proper information of the TV and the contact information. Independent claim 1 also recites that the storing unit storing the proper information of the TV prior to the controlling unit contacting the certain site.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, the applied references (including Hiroshi) do not suggest a controlling unit for contacting the certain site and for transmitting the proper information from the TV to the certain site in response to a checkup key signal being inputted by a user. Rather and as discussed during the personal interview, Hiroshi discloses that when a user reports a failure to a service center, the serviceman sends a self-diagnostic function execution instruction to the television receiver (or television set) 301. See the Abstract. A self-checking function run command may be transmitted to the television set 301 after the serviceman inputs the telephone number of the television receiver 301. See paragraph [0040].

When discussing features of dependent claim 12 relating to a checkup key signal, the Office Action (on page 5) cites Hiroshi's paragraph [0040]. However, paragraph [0040] merely states that a communication of a failure is provided from a user to a serviceman (at the service center) who then inputs a telephone number of the television set. This does not teach or suggest the controlling unit (of the TV) for transmitting proper information (including a model name or a model number of the TV) in response to a checkup key signal inputted by a user. Hiroshi discloses that the serviceman inputs a telephone number of the television set. Hiroshi does not suggest (the TV) transmitting the proper information in response to a checkup key signal.

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Additionally, Hiroshi's paragraph [0040] discusses communication from the user. See also the Abstract that discloses a user reporting a failure to the service center and paragraphs [0007] and [0065] discussing communication of failure from a user to a service center. As discussed at the personal interview, Hiroshi does not suggest a checkup key signal inputted by a user and/or transmitting the proper information in response to a checkup key signal.

The Office Action (on pages 2-3) appears to state that Hiroshi discloses that a television stores proper information about the television since results of the self-diagnostic program are communicated to the service center. However, this does not teach or suggest a controlling unit for transmitting the proper information in response to a checkup key signal input by a user. The "results of the self-diagnostic" program are not "in response to a checkup key signal."

As discussed during the personal interview, Lee and Wright do not teach or suggest the features of independent claim 1 missing from Hiroshi. More specifically, Lee does not teach or suggest the controlling unit for transmitting the proper information from the TV to the certain site in response to a checkup key signal inputted by a user. Rather, Lee specifically discloses that a user may select a model from a specific menu on a customer support server 110. See Lee's col. 2, lines 59-61; col. 3, lines 9-11 and 27-30; col. 5, lines 13-17 and FIG. 5. Thus, Lee does not suggest transmitting a model name and/or a model number from a television to a certain site (i.e., allegedly a customer support server) in response to a checkup key signal inputted by a user. Still further, Wright does not teach or suggest a controlling unit of a TV for transmitting proper information from a TV to a certain site in response to a checkup key signal inputted by a user.

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Wright does not teach or suggest the claimed “in response to a checkup key signal inputted by a user.”

Further, there is no suggestion to combine Lee and/or Wright with Hiroshi so as to obtain these missing features of independent claim 1. That is, as discussed at the personal interview, Hiroshi very clearly describes that a user communicates a failure and a serviceman enters a telephone number of the television set so the service center may send a self-diagnostic function execution instruction. There is no suggestion in the prior art to modify Hiroshi to obtain transmitting the proper information from the TV to the certain site in response to a checking key signal inputted by a user. Any suggestion to modify Hiroshi's system (of the service center sending a self-diagnostic function execution instruction in response to a serviceman entering a telephone number) would destroy the express purpose of Hiroshi. Thus, Hiroshi, Lee and Wright do not teach or suggest a controlling unit of a TV transmitting the proper information from the TV to the certain site in response to a checkup key signal inputted by a user.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

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success must be found in the prior art, not in applicant's disclosure. See MPEP §2143 and *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that the Office Action fails to meet these three criteria for a *prima facie* case of obviousness. There is no suggestion or motivation to combine Lee and Wright with Hiroshi as alleged in the Office Action. Additionally, the combination of references, if made, still does not teach or suggest all the claimed features.

Applicant respectfully submits that the Office Action relies on impermissible hindsight as there is no suggestion in the prior art for the features and/or combinations. It is well-founded that when a rejection depends on a combination of prior art references, there must be some teachings, suggestion, or motivation to combine the references. See *ACH Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577 221, USPQ 929, 933 (Fed. Cir. 1984) and *In re Geiger*, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987). Applicants respectfully submit that there is no suggestion in the applied references to make the combination. Rather, the only motivation is provided in applicants' own specification. The Office Action can not use applicants' specification as a "road map" to find the claimed features. As stated in *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991), the references themselves must provide some teaching whereby the applicant's combination would have been obvious. Additionally, the Office Action clearly relies on a piecemeal reconstruction of the prior art in order to find claimed features.

For at least the reasons set forth above, Hiroshi, Lee and Wright do not teach or suggest all the features of independent claim 1. The other applied references do not teach or suggest the

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missing features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 10 recites contacting a certain service-related site by referencing contact information of the certain site stored in advance at the TV, and transmitting proper information of the TV from the TV to the certain site when a checkup key signal is inputted by a user, the proper information including a model name or a model number of the TV stored on the TV prior to contacting the certain site.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 10. More specifically, Hiroshi does not teach or suggest transmitting proper information of the TV from the TV to the certain site when a checkup key signal is inputted by a user in combination with the proper information including a model name or a model number of the TV stored on the TV prior to contacting the certain site. The other applied references do not teach or suggest the missing features of independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 27 recites a television storing unit to store information of the television, and a television controlling unit to contact an Internet site and to transmit the stored information from the television in response to a checkup key signal input by a user and the television controlling unit to transmit error information of the television to the Internet site, the television storing unit having stored the information of the television prior to the television controlling unit contacting the Internet site. Independent claim 27 also recites the television controlling unit to receive error information based on the transmitted error information, and the

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television controlling unit to automatically apply the received error information of the television so as to restore the error of the television.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 27. More specifically, the applied references do not teach or suggest a television controlling unit to contact an Internet site and to transmit the stored information from the television in response to a checkup key signal input by a user. Thus, independent claim 27 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 10, 27 and 42 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 16 recites generating a new item about an error and adding it to the list of errors when the information for restoring the error does not exist in the list of errors. As discussed during the personal interview, the applied references (including Platt) do not teach or suggest at least these features. Thus, dependent claim 16 defines patentable subject matter at least for this additional reason.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-6, 8-11, 13-30 and 40-42 are earnestly solicited. If the Examiner believes that any additional changes would place the

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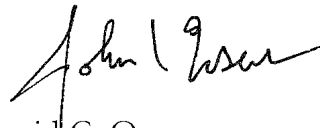
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application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP

A handwritten signature in black ink, appearing to read "John C. Eisenhart", is written over the printed name of David C. Oren.

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